IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 27TH JUNE 2007 / 30TH JYAISHTA 1929

WP(C).No. 13745 of 2007(J)

PETITIONER:

RAJAPPAN, AGED 30 YEARS,
S/O.KARUTHAKUNJU, EDAYIALATHUNDIL HOUSE,
NOORANADU MURI, MAVELIKKARA TALUK,
ALAPPUZHA DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS:

1. THE EXCISE COMMISSIONER,
   COMMISSIONERATE OF EXCISE,
   THIRUVANANTHAPURAM.

2. THE ASST.EXCISE COMMISSIONER,
   ALAPPUZHA.

3. THE CIRCLE INSPECTOR OF EXCISE,
   MAVELIKKARA, ALAPPUZHA DISTRICT.

BY G.P. SHRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.13745 of 2007

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Dated this the 27th day of June, 2007

J U D G M E N T

The petitioner along with another obtained allotment of toddy shop in group No.6 in Mavelikkara excise range for the Abkari year 2007-08. Formerly this toddy shop, viz., toddy shop No.35, was being conducted for 17 years in a building owned by one Mrs.Rajamma. The petitioner now seeks to establish the toddy shop in that premises. Ext.P2 request has been filed in this regard. However, the same is not being considered on the ground that a suit as O.S.No.19/2007 is pending before the Munsiff's Court, Mavelikara. The petitioner submits that since there is no interim order in the said suit, there cannot be any impediment in the 2nd respondent considering Ext.P2. The petitioner seeks a direction to the 2nd respondent to consider and pass orders on Ext.P2

expeditiously.

2. I have heard the learned counsel for the petitioner as also the learned Government Pleader.

3. In the facts and circumstances of the case, there would be a direction to the 2nd respondent to consider and pass appropriate orders on Ext.P2 in accordance with law, as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment. However, I make it clear that I have not considered the entitlement of the petitioner for the relief prayed for and it would be entirely for the 2nd respondent to decide the question of eligibility in accordance with law and the decisions applicable.

Writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

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P.A. to Judge.